

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

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JAMES TYRONE EDWARDS,  
#244 859

Plaintiff,

v.

SGT. MOORE, *et al.*,

Defendants.

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3:06-CV-740-MHT  
(WO)

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

This 42 U.S.C. § 1983 action was filed by Plaintiff on February 13, 2006.<sup>1</sup> On October 3, 2006 the court entered an order of procedure which instructed Plaintiff, among other things, to inform the court of any change in his address. (*Doc. No. 13.*)

It recently came to the court's attention that Plaintiff is no longer residing at the address he provided to the court when he filed this complaint. Consequently, the court entered an order on February 29, 2008 directing Plaintiff to provide the court with his present address on or before March 10, 2006. (*Doc. No. 27.*) Plaintiff was cautioned that his failure to comply with the court's February 29 order would result in a recommendation that this case be dismissed. (*Id.*)

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<sup>1</sup>This case was originally filed in the United States District Court for the Southern District of Alabama. On August 15, 2006, that court directed that the complaint be transferred to this court for review and disposition.

On March 7, 2008, Plaintiff's copy of the court's February 29 show cause order was returned to the court marked "No longer incarcerated in the Alabama Prison System. Inmate Edwards released," because Plaintiff was no longer at the last address he provided to the court. Because Plaintiff is no longer residing at the address he provided to the court when he filed this action and as he has filed nothing in response to the court's order to show cause, the court concludes that this case should be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Plaintiff's failures to prosecute this action properly and to comply with the orders of this court.

It is further

ORDERED that the parties are DIRECTED to file any objections to the Recommendation on or before March 24, 2008. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain

error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5<sup>th</sup> Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE, this 12<sup>th</sup> day of March, 2008.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE